

Response to Applicant's Arguments

Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, the Applicant's claim amendments did not reflect the straight forward claim language discussed and shared by the Inventor during the interview.

DETAILED ACTION

Claim Status

Claims 1-9 and 11-20 and 24-26 are currently pending in the Application, while claims 10 and 21-23 have been canceled, not withdrawn as inadvertently reported by the Applicant.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 (including dependent claims 2-9, 11-20 and 24-26) is rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter and non-functional descriptive material. Indeed, the claim features in the preamble “ **A feature rich advertisement to be displayed on a consumer computing device, the feature rich advertisement comprising:**”, which does not pertain to any of the well-defined statutory classes, i.e. a method, a system, an apparatus, a computer-readable medium and so on, and thus, the claim merely represents a collection of data or data per se, which is not statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 and 15 (including their dependent claims) are rejected under 35 USC 112(2) as being indefinite (or confusing) for reciting the adverb **“generally”**. For instance, in the limitation “...the advertisement is **generally positioned** with respect to browser content reviewable by a consumer;”, as featured in claim 1, it is unclear where and how the advertisement is displayed with respect to the browser content and the use of the adverb **“generally”** does help clarify that either. In other words, **“generally positioned”** does not immediately indicate where the advertisement is actually being displayed vis-à-vis the browser content.

Conclusion

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

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03/16/08

/J. J./

Primary Examiner, Art Unit 3688

/Jean Janvier/

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